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July 15, 2011

Hon. Claire C. Cecchi,
United States District Judge
Martin Luther King Building &
U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: Anderson v. Törmälä, No. 2:11-cv-000525 CCC-JAD

Dear Judge Cecchi:

This firm and George Richardson of Sullivan & Worcester represent the defendants in the above-captioned matter. By this letter, we request leave to respond to plaintiff's counsel's letter to the Court dated July 5, 2011

Pending before this Court is the issue of whether this lawsuit has properly been brought in the Federal District Court in New Jersey. The Jokela Declaration does not attempt to resolve the substantive dispute, but only confirms that the Finish legal system is more than adequate to address the dispute.

In the letter, plaintiff asks the Court not "to review or otherwise give credit" to the Declaration of Antti Jokela. We submitted the Jokela Declaration to address the argument in plaintiff's opposition to our motion to dismiss on the ground of forum non conveniens regarding the adequacy of Finland as a forum to hear this dispute. The adequacy of Finland as a forum was front and center in our moving papers. Plaintiff joined issue in its opposition, but now believes, apparently, that defendants were to stand mute in reply. Rather than address this relevant procedural issue of the appropriateness of the Finish forum, the plaintiff asks this Court not to read the document.

Plaintiff simply is incorrect when it writes "for the first time on reply do defendants urge that the entire action, including the fraud and other common law claims should be governed by Finnish law. . . . This is a completely new position" In making this statement, plaintiff points only to a single sentence in a conclusory paragraph on the last page of Professor Jokela's declaration. Read in its entirety, it is clear that the Jokela Declaration does not purport to address

Hon. Claire C. Cecchi,
United States District Judge
July 15, 2011
Page 2

plaintiff's so-called "common law claims." See Jokela Dec. at 1-2 (setting forth the questions he was asked to consider); id. § III (discussing willingness of Finnish court to hear a fraud claim).

We readily acknowledge that Professor Jokela addresses plaintiff's fraud claim, but this is not new because Vesa Turkki addressed this issue in his declaration submitted with our moving papers. See Declaration of Vesa Turkki ¶ 8 (April 29, 2011).¹

Simply put, Professor Jokela's declaration does not address any issue that was not raised in our moving papers. Thus plaintiff's arguments that the Court should not consider the declaration are baseless.

Should the Court require anything further, we would be pleased to provide it.

Respectfully submitted,

/s/ CARL D. POPLAR
Carl D. Poplar (4791)

And

George O. Richardson, III*

cc Steven M. Hecht, Counsel for plaintiff

*Not admitted in New Jersey. Motion to be admitted pro hac vice pending.

¹ At this point in time, defendants do not have sufficient facts to determine what law should control plaintiff's "common law" claims. Defendants reserve their rights under Fed. R. Civ. P. 44.1 to give notice of foreign law if appropriate.